

REMARKS:

Favorable reconsideration is respectfully requested of the conclusion that the subject application improperly set forth the inventorship and the rejection under 35 U.S.C. §102(f) based on the allegation that the applicant did not invent the claimed subject matter. The conclusion and allegation are based on letters apparently submitted by the sole named inventor. The undersigned appreciates the Examiner's assistance in faxing copies of the letters.

The bodies of the letters are identical. The letters differ from each other only in that they reference different patents. The letters make no claim with respect to the subject application. In fact, even with respect to the four patents that the letters do address, the letters do not state that the alleged author is not the inventor of those patents. With respect to conception of the work patented, they state simply, although cryptically, that the alleged author has "not participated sufficiently in the conception and design of this work, the analysis of the data (where applicable) as well as in the writing of the patent referenced above, to take public responsibility for it." This is not a statement that the alleged author is not an inventor of the patented subject matter, let alone of the subject matter of the present application.

The alleged author also states, "I cannot warrant that the patents represent valid original work, since I have not seen a substantial portion of the data presented. I have reviewed the original version of the patent and did not approve its submission without the necessary corrections. Neither this patent nor others with similar content under my authorship should be published without the correction of errors that I indicated in writing to both Novactyl's patent attorneys and to the Board of Directors. Furthermore, I attest that a portion of the data on which the patent is based have never been shown to me by the management. Thus, the management has to produce the data on which this patent is based." It should be noted that not only does this discussion relate solely to the patents referenced by the letters as opposed to the subject application, but notwithstanding such new allegations, the alleged author in fact executed

declarations in the applications that led to each of the four patents to which the letters are directed (although in two of them he refused to sign supplemental declarations).

The remainder of the letters states that the alleged author "cannot warrant that the patents contain no libelous or unlawful statements, that they do not infringe on the rights of others, or contain material or instructions that might cause harm or injury, particularly in reference to patient treatments which represent cases introduced by the management." These statements again are irrelevant to inventorship of the referenced patents, let alone the subject application.

Thus, the letters on which the claim of improper inventorship is based do not address the subject application and do not even negate inventorship in the patents the letters do address and in which the alleged author even signed at least the original declarations in the applications that led to those patents. The letters make no claim with respect to the subject application. Therefore, favorable reconsideration and withdrawal of the conclusion that the subject application improperly set forth the inventorship and the rejection under 35 U.S.C. §102(f) based on the allegation that the applicant did not invent the claimed subject matter are respectfully requested.

Favorable reconsideration also is respectfully requested of the rejection of claim 81 under 35 U.S.C. §112, second paragraph, based on the conclusion that claim reads on a metal ion chelating agent concentration of 0%. Claim 81 has been amended to obviate this rejection.

Favorable reconsideration also is respectfully requested of the rejection of claim 109 on unidentified statutory grounds, but based on the point that claim 109 is unclear in that it states "comprising interferon . . ." as if interferon were a single compound when it is a name for a group of compounds. As applicant understands the rejection, it is as if the claim stated "comprising alkali metal" instead of "comprising an alkali metal." Thus, claim 109 has been amended to recite "an interferon" and so is believed now to be clarified just as stating "an alkali metal"

clarifies the phrase "comprising alkali metal." Accordingly, the amendment to claim 109 is believed to obviate its rejection and so withdrawal of that rejection is respectfully requested.

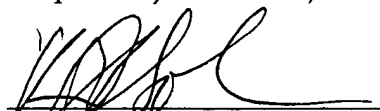
Claims 110 and 111 are rejected under 35 U.S.C. §112, second paragraph, as depending from a rejected base claim, claim 109. Claim 109 is now believed to be in allowable condition and so withdrawal of the noted rejection is respectfully requested.

Support for new claims 112-114 was noted by the Examiner in the rejection of claim 109.

An effort has been made to address all outstanding rejections and it is believed that all such rejections have been addressed, but if any rejection has been overlooked, a telephone call to the undersigned and the opportunity to respond to any overlooked rejection are respectfully requested.

In view of the foregoing, favorable reconsideration and early allowance of claims 13-53 and 65-111, as amended, and favorable consideration and early allowance of new claims 112-114 are earnestly solicited.

Respectfully submitted,



Kenneth Solomon
Reg. No. 31,427
Thompson Coburn LLP
One U.S. Bank Plaza
St. Louis, MO 63101
314-552-6297
314-552-7297 (fax)